



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13087 of 2021

1.Mohamed Asarudeen
2.Abdul Ajees
3.Shek Abdulla
4.Mohamed Eliyas

...Petitioners/Accused Nos.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.911 of 2021.

... Respondent/Complainant

For Petitioners : MR.A.ARUNPRASATH,
Advocate.

For Respondent : MR.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.911 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who were arrested on 10.08.2021 for the offence under Section 379 I.P.C, in Crime.No.911 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have stolen four cows from the defacto complainant's cow shed and sold the same to third parties. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant has agreed to sell the cows to the petitioners. Believing that, the petitioners have taken the cows, sold them. Now, the defacto complainant has changed his stand as if the petitioners without his knowledge have taken the cows. He would further submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, they are inside the prison from 10.08.2021 and hence, he prays for grant of bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate NO.III, Thanjavur, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION, THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13087 of 2021
Date :07/09/2021

MSA
MK/PN/SAR.II/07.09.2021/3P/6C